

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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WESTERN EXPLORATION, LLC, et al.,  
  
Plaintiffs,  
  
v.  
  
U.S. DEPARTMENT OF THE INTERIOR,  
et al.,  
  
Defendants.

Case No. 3:15-cv-00491-MMD-VPC  
  
ORDER

On November 17 and 18, 2015, the Court held a hearing on Plaintiffs' Motion for Preliminary Injunction. The Court had limited the scope of the hearing to testimony and arguments relevant to the four Plaintiffs who filed the Motion. (Dkt. no. 36.) The Court, however, allowed Plaintiffs to offer evidence relating to the public interest prong of the preliminary injunction inquiry, including testimony about a proposed water storage tank in the Baker community of White Pine County, Nevada.

The water tank issue was raised for the first time in Plaintiffs' reply brief and, in light of the Court's earlier Order, it was only briefly discussed at the hearing. (See dkt. no. 32 at 9.) Plaintiffs also offered an exhibit alongside their reply brief, which asserts that the Baker community is currently foreclosed from building the urgently needed storage tank. (Dkt. no. 32-3.) But the exhibit raises more questions than it answers. For example, it is not clear (1) whether any evidence supports the exhibit's assertion that the water tank was expected to receive a categorical exclusion to environmental review; (2) what environmental review process the water tank now requires because of the Plan

1 Amendments, the status of such review, and the resulting delay, if any; (3) whether the  
2 delay described in the exhibit was caused by the Plan Amendments and not the other  
3 review requirements listed in the exhibit; (4) whether any evidence shows that the  
4 requirements imposed by the Plan Amendments would affect the project's timeline; and  
5 (5) when, specifically, the project was expected to be completed.

6 Because Plaintiffs assert that the water tank is urgently needed, the Court will  
7 allow Plaintiffs to submit a supplemental brief of no more than ten (10) pages to argue  
8 that White Pine County can demonstrate a likelihood of success on the merits with  
9 regard to the water storage tank. Plaintiffs will have up to ten (10) days from the date of  
10 this Order to file their supplemental brief. Defendants will have up to ten (10) days  
11 following the date of Plaintiffs' filing to file a response. Defendants' response may not  
12 exceed ten (10) pages. Plaintiffs will have up to five (5) days following Defendants' filing  
13 to file a reply brief of no more than five (5) pages.

14 DATED THIS 19<sup>th</sup> day of November 2015.



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16 MIRANDA M. DU  
17 UNITED STATES DISTRICT JUDGE  
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